

Q13800646,Q13800647

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR, COUNTY OF QUEENS

---

THE PEOPLE OF THE STATE OF NEW YORK	STATE OF NEW YORK
V.	COUNTY OF QUEENS
HUMAYOUN GHOUAM NABI (2011Y)	
ISMAIL ALSARABBI (2011Y)	
DEFENDANTS	

---

DETECTIVE RICHARD O'GARA OF THE NYPD INTELLIGENCE DIVISION, TAX REG#: 896601, BEING DULY SWORN, DEPOSES AND SAYS THAT BETWEEN APRIL 16 2011 7:45PM AND NOVEMBER 14 2012 7:35PM, INSIDE OF 79-00 QUEENS BOULEVARD (PAN AMERICAN HOTEL), COUNTY OF QUEENS, STATE OF NEW YORK, AND ELSEWHERE IN THE STATE OF NEW YORK THE DEFENDANTS COMMITTED THE OFFENSES OF:

PL 490.10 [DF] SOLICITING OR PROVIDING SUPPORT FOR AN ACT OF TERRORISM IN THE SECOND DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)  
PL 105.05-1 [AM] CONSPIRACY IN THE FIFTH DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)

---

PL 490.10 [DF] SOLICITING OR PROVIDING SUPPORT FOR AN ACT OF TERRORISM IN THE SECOND DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)

--- WITH INTENT THAT MATERIAL SUPPORT OR RESOURCES BE USED, IN WHOLE OR IN PART, TO PLAN, PREPARE, CARRY OUT OR AID IN EITHER AN ACT OF TERRORISM OR THE CONCEALMENT OF, OR AN ESCAPE FROM, AN ACT OF TERRORISM, HE OR SHE RAISED, SOLICITED, COLLECTED OR PROVIDED MATERIAL SUPPORT OR RESOURCES;

PL 105.05-1 [AM] CONSPIRACY IN THE FIFTH DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)

--- WITH INTENT THAT CONDUCT CONSTITUTING A FELONY BE PERFORMED, AGREE WITH ONE OR MORE PERSONS TO ENGAGE IN OR CAUSE THE PERFORMANCE OF SUCH CONDUCT.

THE ABOVE OFFENSES WERE COMMITTED AS FOLLOWS:

DEPONENT STATES THAT HE HAS BEEN THE PRIMARY INVESTIGATOR IN A MULTI-TARGET, LONG TERM INVESTIGATION INTO THE MATERIAL SUPPORT OF AND COMMISSION OF TERRORIST ACTS BOTH IN THE UNITED STATES AND ABROAD.

DEPONENT STATES THAT ON, ABOUT, AND BETWEEN THE ABOVE DATES AND TIMES THAT THE DEFENDANT HUMAYOUN GHOUAM NABI WAS BROUGHT TO HIS ATTENTION BY CONFIDENTIAL INFORMANT 2002-581 (HEREINAFTER CI). DEPONENT STATES THAT THE CI INFORMED HIM THAT DEFENDANT NABI APPROACHED CI AFTER BEING INTRODUCED BY A MUTUAL ACQUAINTANCE. DEPONENT STATES THAT THE CI FURTHER INFORMED HIM THAT DEFENDANT NABI BEGAN ASKING CI WHEN CI "BEGAN RESPECTING THEIR RELIGION", DISCUSSING CI'S FEELINGS REGARDING THE RAID ON OSAMA BIN LADEN'S COMPOUND IN PAKISTAN, THE ARREST AND RELEASE OF ALLEGED CIA OPERATIVE RAYMOND DAVIS BY THE PAKISTANI GOVERNMENT, US OCCUPATION OF AFGHANISTAN, AND STATING TO THE CI THAT THE GOVERNMENTS IN MUSLIM COUNTRIES CANNOT BE TRUSTED TO STAND UP FOR PIOUS MUSLIMS.

DEPONENT STATES THAT HE HE IS FURTHER INFORMED BY THE CI THAT DEFENDANT NABI ON OR ABOUT MAY 14, 2011, STATED TO CI THAT HE INTENDED TO SHOW THE CI A DIFFERENT SIDE OF HIMSELF. DEPONENT STATES THAT HE IS FURTHER INFORMED BY THE CI THAT DEFENDANT NABI STATED THAT HE HATED THE UNITED STATES AND THAT HE WANTED TO TAKE A STAND. DEPONENT STATES THAT HE IS FURTHER INFORMED BY CI THAT DEFENDANT NABI COMPARED HIS EFFORTS TO THOSE OF OSAMA BIN LADEN, STATING IN SUM AND SUBSTANCE THAT IN ORDER TO BUILD A LESHKAR, OR SMALL ARMY, ONE NEEDED TO SURROUND HIMSELF WITH PEOPLE WHO PLAYED SPECIFIC ROLES, AND THAT THIS IS WHAT HE WAS DOING, BUILDING HIS SMALL ARMY.

DEPONENT FURTHER STATES THAT HE SUPPLIED CI WITH BOTH AUDIO AND VIDEO RECORDING DEVICES AND THAT HE DIRECTED THE CI TO USE SAID DEVICES WHEN CI MET WITH DEFENDANT NABI AT DEPONENT'S DIRECTION.

DEPONENT STATES THAT HE IS INFORMED BY THE CI THAT ON AUGUST 11, 2011, CI MET WITH DEFENDANT NABI AT 68 STREET AND 5TH AVENUE IN BROOKLYN. DEPONENT STATES THAT DEFENDANT NABI STATED TO THE CI THAT HE WAS INVOLVING HIMSELF IN A NON-PROFIT FROM WHICH HE COULD BUILD RESOURCES AND MONEY WHICH HE COULD THEN SIPHON AWAY AND PROVIDE TO THE BROTHERS FIGHTING IN AFGHANISTAN. DEPONENT STATES THAT THE CI FURTHER INFORMED HIM THAT DEFENDANT NABI STATED "WE NEED A COMPANY LIKE THIS. I HAVE BEEN QUIET UNTIL NOW, AND MY HEAD USED TO SPIN. I CAN'T LIVE IN THIS ENVIRONMENT. I CAME INTO THIS ENVIRONMENT I SAW LIKE, (INAUDIBLE), FUCK IT BUDDY, SISTER FUCKER, CURSE OUR LIFE. WE ARE SITTING HERE BREATHING IN PEACE EATING CHICKEN AND ROASTS AND OUR BROTHERS, THEY ARE DYING BUDDY." DEPONENT STATES THAT HE IS FURTHER INFORMED BY THE CI THAT DEFENDANT NABI STATED TO HIM THAT THE REASON FOR THE USE OF A NON-PROFIT IS BECAUSE WHEN HE HAS ATTEMPTED OT SEND MONEY BY OTHER MEANS HE HAS IMMEDIATELY BEEN QUESTIONED AS TO WHERE THE MONEY IS GOING, STATING IN SUM AND SUBSTANCE THAT IF HE WANTS TO SEND MONEY TO THE TALIBAN IT IS NONE OF THE US GOVERNMENT'S BUSINESS. DEPONENT FURTHER STATES THAT THIS MEETING WAS RECORDED BY THE CI AND THAT THE LANGUAGE SPOKEN IN THIS RECORDING WAS URDU, AS SUCH HE REVIEWED ENGLISH TRANSLATIONS PROVIDED BY A CERTIFIED URDU TO ENGLISH TRANSLATOR OF SAID CONVERSATION. DEPONENT FURTHER STATES THAT THE ABOVE MENTIONED TRANSCRIPTS CONFIRM THE CI'S VERSION OF EVENTS.

DEPONENT STATES THAT HE IS INFORMED BY THE CI THAT THE CI MET WITH DEFENDANT NABI ON DECEMBER 26, 2011, AT WHICH TIME DEFENDANT NABI STATED TO THE CI IN SUM AND SUBSTANCE THAT THE AMERICANS DO NOT ALLOW MONEY TO BE TRANSFERRED INTO AFGHANISTAN AND PAKISTAN. DEPONENT STATES THAT HE IS FURTHER INFORMED BY THE CI THAT THE DEFENDANT STATED THAT THE SOURCE OF THE AMERICAN'S STRENGTH IS THEIR EQUIPMENT, SPECIFICALLY GOOD JACKETS, GOOD GOGGLES, GOOD GPS, AND THIS WAS HOW THEY FIGHT. DEPONENT STATES THAT HE IS FURTHER INFORMED BY THE CI THAT DEFENDANT NABI FURTHER STATED THAT "WE SEND THEM JACKETS SO THEY CAN GET WARM ... AND REALIZE THE GOT SOMETHING TO FIGHT WITH." DEPONENT FURTHER STATES THAT THIS MEETING WAS RECORDED BY THE CI AND THAT THE LANGUAGE SPOKEN IN THIS RECORDING WAS URDU, AS SUCH HE REVIEWED ENGLISH TRANSLATIONS PROVIDED BY A CERTIFIED URDU TO ENGLISH TRANSLATOR OF SAID CONVERSATION. DEPONENT FURTHER STATES THAT THE ABOVE MENTIONED TRANSCRIPTS CONFIRM THE CI'S VERSION OF EVENTS.

DEPONENT STATES THAT HE IS INFORMED BY THE CI THAT THE CI MET WITH DEFENDANT NABI ON DECEMEBER 31, 2011, AT WHICH TIME DEFENDANT NABI STATED, IN SUM AND SUBSTANCE, THAT THEY NEEDED TO GET THEIR BUSINESS READY. THAT BECAUSE THEY ARE NOT AFGHANI THEY WOULD NEED TO FIND TALIBAN SUPPORTERS WHO CAN TAKE THE LEAD AND GUIDE THEM, AND THEY WILL SIMPLY SUPPORT THEM. DEPONENT FURTHER STATES THAT HE IS INFORMED BY THE CI THAT DEFENDANT NABI STATED, IN SUM AND SUBSTANCE, THAT THE ULTIMATE GOAL IS TO SUPPLY WEAPONS, BUT THAT THEY ARE NOT READY FOR THIS STAGE

YET. RATHER, THEY WILL SUPPLY SOCKS, SHOES, JACKETS, AND ELECTRONICS, BECAUSE THESE ARE WHAT THE BROTHERS NEED "TO BE POWERFUL." DEPONENT STATES THAT HE IS FURTHER INFORMED BY THE CI THAT DEFENDANT NABI STATED AT THIS TIME "WE HAVE GOT TO LEARN THEIR METHODS. THEY CAN READ EYES, LIKE IMMIGRATION AGENTS. DOGS, THEY READ YOUR EYES... LOOK IN THE EYES ESPECIALLY WHEN TALKING TO WHITES. IF YOU WANT TO KILL THEM, YOU NEED WISDOM AND ALLAH'S HELP. USE THEIR METHODS AGAINST THEM. THEY ARE BASTARDS. WE HAVE TO EDUCATE. THIS IS WHAT THEY ARE DOING. THEY ARE RAPING OUR SISTERS. BASTARDS. IF YOU WANT TO KILL THEM, USE THEIR METHODS AGAINST THEM. THEY ARE BASTARDS, BASTARDS, BASTARDS, RAPING OUR SISTERS. WE HAVE TO BE CAREFUL; WE DON'T WANT TO BE CAUGHT IN THE BEGINNING." DEPONENT FURTHER STATES THAT THIS CONVERSATION WAS RECORDED BY THE CI AND THAT DEPONENT HAS REVIEWED A TRANSLATED TRANSCRIPT PREPARED BY AN NYPD CERTIFIED URDU TRANSLATOR, AND HAS CONFIRMED THE CI'S VERSION OF SAID CONVERSATION.

DEPONENT STATES THAT ON OR ABOUT MARCH 12, 2012, AT APPROXIMATELY 9:30 PM, HE MET THE CI IN BROOKLYN AND PROVIDED CI WITH APPROXIMATELY \$3,900.00 PRE-RECORDED BUY MONEY. DEPONENT FURTHER STATES THAT ON SAID DATE HE AND OTHER MEMBERS OF HIS UNIT SET UP A SURVEILLANCE OF THE CI AT 68TH STREET AND 5TH AVENUE IN BROOKLYN. DEPONENT FURTHER STATES THAT AT APPROXIMATELY 10:00 PM HE OBSERVED DEFENDANT NABI ENTER THE CI'S VEHICLE, WHICH WAS WIRED BY DEPONENT FOR AUDIO AND VIDEO SURVEILLANCE WITH CI'S CONSENT. DEPONENT STATES THAT AT THAT TIME THE CI AND NABI ENGAGED IN A CONVERSATION AND THAT HE OBSERVED THE CI PROVIDE THE AFOREMENTIONED PRE-RECORDED BUY MONEY TO DEFENDANT NABI. DEPONENT STATES THAT HE IS INFORMED BY THE CI THAT THE CI STATED TO DEFENDANT NABI THAT THE AFOREMENTIONED PRE-RECORDED BUY MONEY WAS PROVIDED TO THE CI BY AN INDIVIDUAL WHO WISHED TO SUPPORT THEIR CAUSE AND WHO COULD BE OF ASSISTANCE IN HELPING THEM MEET THEIR AIMS, SPECIFICALLY PROVIDING WINTER OUTER-WEAR AND ELECTRONICS TO THE BROTHERS FIGHTING IN AFGHANISTAN. DEPONENT STATES THAT HE IS INFORMED BY THE CI THAT SUBJECT NABI STATED TO THE CI THAT HE NEEDED THIS INDIVIDUAL TO GET HIM A WAREHOUSE IN KABUL WHERE HE COULD SEND THE MATERIAL AND THAT THE MONEY PROVIDED WAS NOT "ANYTHING." DEPONENT STATES THAT HE HAS REVIEWED AN ENGLISH TRANSLATION OF THIS URDU CONVERSATION, WHICH WHICH WAS TRANSLATED BY A CERTIFIED NYPD URDU TO ENGLISH TRANSLATOR AND THAT HE HAS VERIFIED THE CI'S VERSION OF EVENTS.

DEPONENT FURTHER STATES THAT AT APPROXIMATELY 11:00 PM ON THE ABOVE DATE HE AND HIS FIELD TEAM FOLLOWED THE CI AND THE DEFENDANT TO 8018 5TH AVENUE IN BROOKLYN WHERE A THIRD INDIVIDUAL, DEFENDANT ISMAIL ALSARABI, ENTERED THE CI'S VEHICLE. DEPONENT STATES THAT AT THIS TIME THE LANGUAGE SPOKEN TURNED TO ENGLISH, AS DEFENDANT ALSARABI IS PALESTINIAN AND SPEAKS ARABIC, NOT URDU. DEPONENT STATES THAT HE OBSERVED BOTH AUDIBLY AND VISUALLY DEFENDANT NABI INSTRUCT THE CI TO GIVE THE PRE-RECORDED BUY MONEY TO DEFENDANT ALSARABI WHO INSPECTED SAID MONEY. DEPONENT FURTHER STATES THAT AT THAT TIME A DISCUSSION ENSUED IN WHICH THE THREE INDIVIDUALS ATTEMPTED TO DETERMINE WHAT TO DO WITH THE MONEY. DEPONENT FURTHER STATES THAT IN SAID CONVERSATION DEFENDANT ALSARABI STATED TO DEFENDANT NABI IN SUM AND SUBSTANCE THAT THE MONEY IS "SEND SOME MERCHANDISE TO AFGHANISTAN." DEPONENT FURTHER STATES THAT DEFENDANT ALSARABI ADVISES THAT THEY SHOULD NOT HANG ONTO THE MONEY AND THAT THEY SHOULD SEND IT IMMEDIATELY TO PAKINSTAN TO DEFENDANT NABI'S FATHER TO MANAGE. DEPONENT FURTHER STATES THAT AT APPROXIMATELY 12:30 AM HE AND HIS FIELD TEAM FOLLOWED THE CI AND THE DEFENDANTS TO TWO WESTERN UNION LOCATIONS. DEPONENT FURTHER STATES THAT HE HAS REVIEWED RECORDS FROM WESTERN UNION, WHICH RECORDS ARE MADE AND KEPT IN THE ORDINARY COURSE OF BUSINESS OF WESTERN UNION, AT OR NEAR THE TIME OF THE EVENT, AND THAT WESTERN UNION IS UNDER A BUSINESS DUTY TO MAINTAN THOSE RECORDS AND THAT SAID RECORDS SHOW THAT APPROXIMATELY TWO THOUSAND DOLLARS WAS SENT TO LAHORE,

PAKISTAN.

DEPONENT FURTHER STATES THAT DURING THE ABOVE EVENT DEFENDANT NABI STATED OF THE AMERICAN SOLDIERS IN AFGHANISTAN THAT "THE SHOULD KILL THEM AND THEN CUT THEM INTO PIECES."

DEPONENT STATES THAT ON JUNE 28, 2012, HE ARRANGED FOR THE CI TO INTRODUCE DEFENDANT NABI TO AN UNDERCOVER NYPD DETECTIVE, HEREINAFTER UC, WHO WAS ALLEGED TO BE AN INDIVIDUAL WHO COULD ASSIST THE DEFENDANT WITH HIS DESIRE TO SUPPLY MERCHANDISE TO FIGHTERS IN AFGHANISTAN. DEPONENT FURTHER STATES THAT AT APPROXIMATELY 3:00 PM ON THE ABOVE DATE HE AND HIS TEAM SET UP SURVEILLANCE AT JFK AIRPORT. DEPONENT FURTHER STATES THAT HE OBSERVED THE CI AND DEFENDANT NABI MEET WITH THE UC. DEPONENT FURTHER STATES THAT SAID MEETING WAS AUDIO AND VIDEO RECORDED. DEPONENT FURTHER STATES THAT SAID MEETING WAS CONDUCTED IN THE ENGLISH LANGUAGE. DEPONENT FURTHER STATES THAT HE HAS REVIEWED SAID VIDEO AND AUDIO AND THAT DURING SAID CONVERSATION DEFENDANT NABI STATED, IN SUM AND SUBSTANCE, THAT HE IS WORKING ON A "FEW THINGS" FOR WHICH HE WANTS THE UC'S ASSISTANCE AND THAT HE HOPES THE UC'S SUPERIORS WILL "GIVE THEM A CHANCE." DEPONENT FURTHER STATES THAT HE HAS PEOPLE IN PAKISTAN AND AFGHANISTAN, HE JUST NEEDS TO GET THE MERCHANISE OVER THERE. DEPONENT FURTHER STATES THAT AT SAID MEETING DEFENDANT NABI STATES TO THE UC THAT HE IS WORKING WITH "ANOTHER BROTHER FROM PALESTINE" ISMAIL, WHO IS A "GOOD BROTHER."

DEPONENT FURTHER STATES THAT IN A SEPARATELY RECORDED CONVERSATION BY THE CI IN URDU THE DEFENDANT STATED TO CI IN SUM AND SUBSTANCE REGARDING THE FIGHTERS IN A FGHANISTAN AND AMERICAN SOLDIERS, "YOU KNOW OUR BROTHERS OVER THERE, THEY KNOW IN THE SUMMER THEY GO TO FIGHT NO MATTER WHAT. BUT BY THE GRACE OF ALLAH THEY GO HE POWER THAT THEY WOULD KILL THEM IN THE WINTER TOO. THEY WILL DIE, THEY WILL DIE, THEY ARE WEAK PEOPLE YOU KNOW, ALL THOSE BIG MUSCLE AND ALL THAT IS BULLSHIT YOU KNOW?"

DEPONENT FURTHER STATES THAT ON JULY 19, 2012, AT APPROXIMATELY 1:20 PM AT THE CORNER OF WHITNEY AVENUE AND BROADWAY IN ELMHURST, NY, HE AND HIS FIELD TEAM SET UP A SURVEILLANCE. DEPONENT FURTHER STATES THAT ON THAT DATE AND AT THAT TIME AND LOCATION HE OBSERVED THE CI, THE UC, AND DEFENDANT NABI MEET. DEPONENT FURTHER STATES THAT THIS MEETING WAS RECORDED WITH BOTH AUDIO AND VIDEO WITH THE CONSENT OF THE CI AND UC. DEPONENT FURTHER STATES THAT HE HAS REVIEWED SAID RECORDINGS, AND THAT SAID RECORDINGS WERE IN ENGLISH. DEPONENT FURTHER STATES THAT AT SAID MEETING DEFENDANT NABI STATED TO THE UC, IN SUM AND SUBSTANCE, "BROTHER, MY CONCERN IS NOT THE MONEY; MY CONCERN IS THE QUANTITY AND THE SECURITY AND SAFETY OF THE BROTHERS. I RATHER BE AT THE SAFE END AND EXECUTE THE PROJECT TO THE END. RATHER THAN MAKING ONE FOOLISH MISTAKE AND GET BUSTED YOU KNOW BROTHER." DEPONENT FURTHER STATES THAT DEFENDANT NABI STATES TO THE UC, IN SUM AND SUBSTANCE, THAT HIS FATHER HAS "ZILLIONS OF TRUCKS" MOVING IN AND OUT OF KABUL.

DEPONENT STATES THAT HE IS INFORMED BY THE CI THAT ON OCTOBER 21, 2012, THE CI AND DEFENDANT NABI WENT TO A WAREHOUSE LOCATION RENTED IN THE CI'S NAME BY THE NYPD, LOCATED IN JAMAICA, QUEENS, WHEREIN THE DEFENDANT INTENDED TO STORE MERCHANDISE TO SENT TO AFGHANISTAN.

DEPONENT FURTHER STATES THAT ON OCTOBER 25, 2012, HE AND OTHER MEMBERS OF HIS UNIT SET UP A SURVEILLANCE OF THE CI AND DEFENDANT NABI AT 68TH STREET AND 5TH AVENUE IN BROOKLYN, NY. DEPONENT STATES THAT AT APPROXIMATELY 8:50 PM HE OBSERVED DEFENDANT NABI ENTER THE CI'S VEHICLE AND DRIVE AWAY. DEPONENT FURTHER STATES

THAT HE AND HIS TEAM FOLLOWED SAID VEHICLE TO 568 BAYRIDGE PARKWAY IN BROOKLYN, AT WHICH TIME THEY MET WITH A THIRD INDIVIDUAL, A MALE OF MIDDLE EASTERN DESCENT, APPROXIMATELY 5'10, 150 LBS. DEPONENT FURTHER STATES THAT THE CI'S VEHICLE WAS WIRED WITH CI'S CONSENT FOR BOTH AUDIO AND VIDEO SURVEILLANCE. DEPONENT FURTHER STATES THAT HE REVIEWED SAID VIDEO AND AUDIO RECORDINGS UPON WHICH HE OBSERVED A CONVERSATION BETWEEN DEFENDANT NABI, THE CI, AND THE THIRD INDIVIDUAL. DEPONENT FURTHER STATES THAT DEFENDANT NABI INTRODUCES THE INDIVIDUAL TO THE CI AS BROTHER MOHAMMED, WHO HE STATES HAS MERCHANDISE HE CAN SUPPLY THEM. DEPONENT FURTHER STATES THAT AT THIS TIME "BROTHER MOHAMMED" PRODUCES SEVERAL WINTER JACKETS FOR DEFENDANT NABI AND THE CI TO REVIEW. DEPONENT FURTHER STATES THAT DEFENDANT NABI STATES TO "BROTHER MOHAMMED" THAT HE ONLY NEEDS MENS SIZES AND THAT THEY HE ONLY NEEDS ITEMS FOR COLD PLACES, LIKE ALASKA.

DEPONENT STATES THAT HE IS INFORMED BY DETECTIVE TIMOTHY QUINN, SHIELD NO. 4572, OF THE NYPD INTELLIGENCED DIVISION THAT ON NOVEMBER 11, 2012, AT APPROXIMATELY 9:00 PM HE AND HIS FIELD TEAM SET UP A SURVEILLANCE IN THE VICINITY OF 68TH STREET AND 5TH AVENUE IN BROOKLYN, NY. DEPONENT STATES THAT HE IS FURTHER INFORMED BY DETECTIVE QUINN THAT HE OBSERVED THE CI ARRIVE AT THE LOCATION IN THE CI'S VEHICLE. DEPONENT STATES THAT HE IS FURTHER INFORMED BY DETECTIVE QUINN THAT HE OBSERVED DEFENDANT NABI ENTER THE CI'S VEHICLE AND THE TWO DRIVE AWAY. DEPONENT STATES THAT HE IS FURTHER INFORMED BY DETECTIVE QUINN THAT HE FOLLOWED THE CI'S VEHICLE TO 80TH STREET AND 5TH AVENUE, IN BROOKLYN, NY, AT WHICH TIME HE OBSERVED DEFENDANT ALSARABI ENTER THE CI'S VEHICLE, AND THE VEHICLE DRIVE AWAY. DEPONENT STATES THAT HE IS FURTHER INFORMED BY DETECTIVE QUINN THAT HE FOLLOWED THE CI'S VEHICLE TO 568 BAYRDIGE PARKWAY, AT WHICH TIME HE OBSERVED THE THREE MEN MEET WITH "BROTHER MOHAMMED" WHO PROVIDED THEM WITH SEVERAL JACKETS AND HIKING BOOTS. DEPONENT FURTHER STATES THAT SAID MEETING WAS RECORDED IN BOTH AUDIO AND VIDEO FORMAT, WITH THE CI'S CONSENT, AND THAT HE HAS REVIEWED SAID RECORDING, WHICH WAS IN THE ENGLISH LANGUAGE. DEPONENT FURTHER STATES THAT DURING SAID CONVERSATION, DEFENDANT ALSARABI MADE SPECIFIC SUGGESTIONS REGARDING THE OUTERWEAR THAT WOULD BE NEEDED IN THE MOUNTAIN REGIONS, AND ASKED DEFENDANT NABI WHERE THE MERCHANDISE WAS GOING, WHICH DEFENDANT NABI RESPONDED, IN SUM AND SUBSTANCE, TO OUR WAREHOUSE AND THEN GOD WILLING IT IS GOING TO GO TO ITS DESTINATION", TO WHICH DEFENDANT ALSARABI RESPONDS "AFGHANISTAN?"

DEPONENT STATES THAT HE IS FURTHER INFORMED BY DETECTIVE QUINN THAT HE RECOVERED THE ABOVE DESCRIBED MATERIAL FROM THE CI AND VOUCHERED THEM INTO EVIDENCE AND T HE NYPD PROPERTY CLERK'S OFFICE.

DEPONENT STATES THAT ON NOVEMBER 14, 2012, HE, ALONG WITH OTHER MEMBERS OF HIS UNIT SET UP SURVEILLANCE IN A HOTEL ROOM AT THE PAN AMERICAN HOTEL IN QUEENS. DEPONENT FURTHER STATES THAT THE ROOM WAS WIRED FOR AUDIO AND VISUAL SURVEILLANCE BY THE NYPD TECHNICAL ASSISTANCE RESPONSE UNIT (TARU) AND THAT THE SURVEILLANCE WAS DONE IN REAL TIME. DEPONENT FURTHER STATES THAT ON THE ABOVE DATE, AT APPROXIMATELY 4:25 PM, HE AND HIS TEAM MONITORED A MEETING BETWEEN THE CI, THE UC, AND DEFENDANT NABI, AT WHICH TIME DEFENDANT NABI PRESENTED THREE SKI JACKETS AND THREE PAIRS OF BOOTS TO THE UC AND STATED TO HIM, IN SUM AND SUBSTANCE, THAT THIS WAS A SAMPLE OF THE MATERIAL THAT HE COULD PROVIDE AND THAT HE NEEDED THE UC'S ASSISTANCE TO MOVE THE MATERIAL TO AFGHANISTAN TO SUPPORT THE BROTHERS. DEPONENT FURTHER STATES THAT DEFENDANT NABI MADE SPECIFIC REFERENCE TO DEFENDANT ALSARABI'S ASSISTANCE IN SELECTING PRODUCTS THAT WOULD BE GOOD FOR COLD WEATHER. DEPONENT FURTHER STATES THAT DURING SAID MEETING DEFENDANT NABI STATED TO THE UC, IN SUM AND SUBSTANCE, THAT IT WAS TIME "TO MAKE A MOVE." DEPONENT FURTHER STATES THAT DEFENDANT NABI STATED THAT HE WANTS THE UC TO SELECT THE ITEMS HE WANTS AND THAT HE WILL SUPPLY IT.

DEPONENT STATES THAT ON OCTOBER 7, 2013, DEFENDANT NABI ADMITTED IN SUM AND SUBSTANCE IN BOTH A WRITTEN AND ORAL STATEMENT THAT HE HAD ENGAGED IN A PLAN TO PROVIDE OUTERWEAR AND BOOTS TO FIGHTERS IN AFGHANISTAN WHO WERE FIGHTING AMERICAN SOLDIERS AND THAT HE DID SO BECAUSE HE HATES THE UNITED STATES, JEWISH PEOPLE, AND US SOLDIERS SPECIFICALLY AND THAT HE WANTED TO GIVE THOSE FIGHTING THE AMERICANS EQUIPMENT THAT WOULD LEVEL THE PLAYING FIELD.

DEPONENT STATES THAT HE IS INFORMED BY MIKE SHEEHAN, FORMER US ARMY SPECIAL FORCES COMMANDER, FORMER UNITED STATES DEPARTMENT OF STATE COUNTER-TERRORISM COORDINATOR, FORMER NYPD DEPUTY COMMISSIONER FOR COUNTER-TERRORISM, FORMER ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT, WHO HOLDS MASTERS DEGREES IN FOREIGN SERVICE FROM GEORGETOWN AND FROM THE UNITED STATES ARMY GENERAL STAFF AND COMMAND COLLEGE, WHO IS AN EXPERT ON TERRORISM AND COUNTER-TERRORISM OPERATIONS IN AFGHANISTAN, AND WHO HAS TESTIFIED BEFORE CONGRESS IN THIS ROLE, THAT DEFENDANT NABI AND DEFENDANT ALSARBI'S REFERENCE TO "BROTHERS" FIGHTING IN AFGHANISTAN, IN HIS EXPERT OPINION, REFERS TO THE LOOSE ORGANIZATION OF VARIOUS GROUPS MOUNTING ARMED CONFLICT AGAINST US AND COALITION FORCES IN THE REGION. DEPONENT STATES THAT HE IS FURTHER INFORMED BY MR. SHEEHAN THAT WITHIN THIS LOOSE ORGANIZATION ARE THE TALIBAN, LESHKAR-E-JHANGVI, AL QUEADA, AND OTHER TERRORIST ORGANIZATIONS RECOGNIZED BY THE US DEPARTMENT OF STATE. DEPONENT STATES THAT HE IS FURTHER INFORMED BY MR. SHEEHAN THAT THE GOALS OF THESE TERRORIST ORGANIZATIONS ARE TO ENGAGE US AND COALITION MILITARY AND CIVILIAN TARGETS IN AFGHANISTAN IN AN EFFORT TO INTIMIDATE AND COERCE THE LOCAL GOVERNMENTS AND GOVERNMENTS AT LARGE IN AFGHANISTAN TO FORCE THE REMOVAL OF US AND COALITION FORCES FROM THE COUNTRY. DEPONENT FURTHER STATES THAT HE IS INFORMED BY MR. SHEEHAN THAT THESE GROUPS SPECIFICALLY USE MURDER, ASSASSINATION, ARSON, AND KIDNAPPING AS A MEANS OF COERCION. DEPONENT STATES THAT HE IS FURTHER INFORMED BY MR. SHEEHAN THAT THESE TERRORIST ORGANIZATIONS SPECIFICALLY SEEK TO KILL AS MANY AMERICANS AND COALITION SOLDIERS AND CIVILIANS, AS WELL AS LOCAL SYMPATHIZERS, IN AN EFFORT TO ACHIEVE THEIR GOAL OF DRIVING US AND COALITION PERSONNEL FROM THE COUNTRY. DEPONENT FURTHER STATES THAT HE IS INFORMED BY MR. SHEEHAN THAT A KEY ADVANTAGE HELD BY THE US AND COALITION FORCES IN AFGHANISTAN IS THE ABILITY TO OPERATE AT NIGHT WITH THE USE OF NIGHT VISION TECHNOLOGY AND GPS, AND THE ABILITY TO FIGHT IN ALL WEATHER CONDITIONS AS A RESULT OF HAVING PROPER OUTERWEAR. DEPONENT STATES THAT HE IS FURTHER INFORMED BY MR. SHEEHAN THAT THE TERRORIST ORGANIZATIONS IN THIS REGION DO NOT HAVE PROPER EQUIPMENT, SPECIFICALLY COLD WEATHER GEAR, WHICH LIMITS THE FIGHTING TO THE SPRING AND SUMMER. DEPONENT STATES THAT HE IS FURTHER INFORMED BY MR. SHEEHAN THAT SUPPLY OF COLD WEATHER GEAR TO THESE GROUPS WOULD BE A "GAME CHANGER" IN TERMS OF THEIR OPERATIONAL ABILITY AND ARE AS IMPORTANT, IF NOT MORE SO, THAN GUNS AND AMMUNITION. DEPONENT STATES THAT HE IS FURTHER INFORMED BY MR. SHEEHAN THAT IN HIS EXPERT OPINION THE SUPPLY OF JACKETS AND BOOTS DIRECTLY IMPACTS AND ENHANCES THE ABILITY OF THE ABOVE MENTIONED TERRORIST ORGANIZATIONS TO ENGAGE US AND COALITION TARGETS AND COMMIT TERRORIST ACTS INCLUDING MURDER, ASSASSINATION, ARSON, KIDNAPPING, AND OTHER ACTS OF VIOLENCE IN AN EFFORT TO DIRECTLY INFLUENCE THE POLICIES OF LOCAL AND INTERNATIONAL GOVERNMENTS AND GOVERNMENTAL UNITS AND AFFECT THEIR CONDUCT IN AFGHANISTAN.